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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/862,377
Filing Date: May 22, 2001
Appellant(s): DANIELS ET AL.

Christopher J. Capelli
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 03/21/2005.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in

the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

The rejection of claims 1-10 stand or fall together because appellant's brief does not

include a statement that this grouping of claims does not stand or fall together and reasons in

support thereof. See 37 CFR 1.192(c)(7).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   *Prior Art of Record*

6,157,945   BALMA   12-2000

(10)   *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the
United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States
before the invention by the applicant for patent, except that an international application
filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application
designated the United States and was published under Article 21(2) of such treaty in the
English language.

Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Balma et al. (US

Patent No. 6,157,945).

Balma anticipated independent claims 1, 5, 7, 8, 9, 10, by the following:

As per claim 1, Balma teaches a method for locating a recipient of a message in a

corporation using a computerized system comprising:

(a) compiling a database (i.e. user database 200, Fig. 5) of a recipient's scheduled location

(Addressing Information 210, Fig. 5, col. 8, lines 15-21), the recipient's delivery preference

(preference order 206, col. 8, lines 31-40, Fig. 5) and the corporation's preference (Fig. 6, col. 4,

lines 51-61, col. 9, line 29 to col. 10, line 7);

(b) providing access to recipient's location and delivery preference database of (a) (i.e. a

process for entering user's travel information which includes addressing information, the

preferred mode of delivery, alternative mode of delivery, date and time information such as

departure and return dates...may be performed manually or in an automated style using other

software applications, col. 10, line 37 to col. 11, line 28, Fig. 6);

(c) updating the recipient's scheduled location and/or delivery preference (i.e. update

user profile, steps 424, 434, 456, Figs 9-11, col. 10, line 37 to col. 11, line 28);

(d) allowing access to updated schedule and delivery preference (i.e. update user profile,

steps 424, 434, 456, Figs 9-11) to facilitate delivery of message to recipient at updated scheduled

location (i.e. upon reaching the destination such as at a specific time and date or alternatively

upon checking in by user, delivery may be instigated, the information which has been entered is

stored so that the profile of the user is updated, col. 10, lines 50-58, i.e. communication intended

for the recipient should now be transmit to the hotel, col. 14, lines 9-19).

As per claim 5, Balma teaches a method for locating a recipient of a message in a

corporation using a computerized system comprising:

(a) compiling a database (i.e. user database 200, Fig. 5) of a recipient's scheduled location

(Addressing Information 210, Fig. 5, col. 8, lines 15-21), the recipient's delivery preference

(preference order 206, col. 8, lines 31-40, Fig. 5) and the corporation's preference (Fig. 6, col. 4,

lines 51-61, col. 9, line 29 to col. 10, line 7);

      (b) providing access to recipient's location and delivery preference database of (a) (i.e. a

process for entering user's travel information which includes addressing information, the

preferred mode of delivery, alternative mode of delivery, date and time information such as

departure and return dates...may be performed manually or in an automated style using other

software applications, col. 10, line 37 to col. 11, line 28, Fig. 6);

      (c) providing access to corporate schedule organizer (Scheduler, Fig. 7, col. 10, line 11),

(col. 10, lines 8-36);

      (d) updating recipient's scheduled location in corporate schedule organizer (i.e. a hotel

computer communicated with the network office applicant or database thereof to indicate that the

user has checked into the hotel, col. 14, lines 11-13, Fig. 7);

      (e) monitoring corporate schedule organizer for location change in the recipient's

schedule (i.e. to keep track of the location of a person, col. 15, line 11);

      (f) updating recipient's scheduled location according to location changes monitored in (e)

(i.e. communication intended for the recipient should now be transmitted to the hotel, col. 14,

lines 13-15);

      (g) allowing access to updated schedule to facilitate delivery of message to recipient at

updated scheduled location (i.e. upon reaching the destination such as at a specific time and date

or alternatively upon checking in by user, delivery may be instigated, the information which has

been entered is stored so that the profile of the user is updated, col. 10, lines 50-58, i.e.

communication intended for the recipient should now be transmitted to the hotel, col. 14, lines 13-15).

As per claim 7, Balma teaches a method for locating a recipient of a message in a corporation using a computerized system comprising:

(a) compiling a database (i.e. user database 200, Fig. 5) of a recipient's scheduled location (Addressing Information 210, Fig. 5, col. 8, lines 15-21), the recipient's delivery preference (preference order 206, col. 8, lines 31-40, Fig. 5) and the corporation's preference (Fig. 6, col. 4, lines 51-61, col. 9, line 29 to col. 10, line 7);

(b) providing access to recipient's location and delivery preference database of (a) (i.e. a process for entering user's travel information which includes addressing information, the preferred mode of delivery, alternative mode of delivery, date and time information such as departure and return dates...may be performed manually or in an automated style using other software applications, col. 10, line 37 to col. 11, line 28, Fig. 6);

(c) updating the recipient's scheduled location and/or delivery preference (i.e. update user profile, steps 424, 434, 456, Figs 9-11, col. 10, line 37 to col. 11, line 28);

(d) setting priority of conflicting corporate and recipient preference (i.e. the number of times a communication is to be retried before using an alternative mode of communication, col. 9, lines 54-56);

(e) allowing access to updated schedules and delivery preferences to facilitate delivery of message to recipient at updated scheduled location (i.e. upon reaching the destination such as at a specific time and date or alternatively upon checking in by user, delivery may be instigated, the

information which has been entered is stored so that the profile of the user is updated, col. 10,

lines 50-58, i.e. communication intended for the recipient should now be transmitted to the hotel,

col. 14, lines 13-15).

As per claim 8, Balma teaches a computer-based system for locating a recipient of a

message in a corporation using a computerized system comprising:

(a) compiling a database (i.e. user database 200, Fig. 5) of a recipient's scheduled location

(Addressing Information 210, Fig. 5, col. 8, lines 15-21), the recipient's delivery preference

(preference order 206, col. 8, lines 31-40, Fig. 5) and the corporation's preference (Fig. 6, col. 4,

lines 51-61, col. 9, line 29 to col. 10, line 7);

(b) a database containing the recipient's scheduled location (i.e. recipient profile, Fig. 5,

col. 8, lines 9-39), the entities delivery preference (preference order 206, col. 8, lines 31-40, Fig.

5) and the corporation's preference (i.e. type of routing scheduling 304, e.g. once day a week,

daily, weekdays, weekend, holidays, and special dates, and time range, preferred delivery mode,

alternative delivery modes, delivery parameter, e.g. log-on required for delivery, number of

delivery retries, telephone number, addressing info, Fig. 6, col. 9, line 29 to col. 10, line 8);

(c) a component providing access to recipient's location and delivery preference database

of (a) (i.e. a process for entering user's travel information which includes addressing

information, the preferred mode of delivery, alternative mode of delivery, date and time

information such as departure and return dates...may be performed manually or in an automated

style using other software applications, col. 10, line 37 to col. 11, line 28, Fig. 6);

(d) a component for updating the recipient's scheduled location and/or delivery preference (i.e. update user profile, steps 424, 434, 456, Figs 9-11, col. 10, line 37 to col. 11, line 28);

(e) a component for allowing access to updated schedule and delivery preference to facilitate delivery of message to recipient at updated scheduled location (i.e. upon reaching the destination such as at a specific time and date or alternatively upon checking in by user, delivery may be instigated, the information which has been entered is stored so that the profile of the user is updated, col. 10, lines 50-58, i.e. communication intended for the recipient should now be transmitted to the hotel, col. 14, lines 13-15).

As per claim 9, Balma teaches a computer based system for locating a recipient of a message in a corporation using a computerized system comprising:

(a) a component for compiling a database of a recipient's scheduled location (i.e. recipient profile, Fig. 5, col. 8, lines 9-39), the recipient's delivery preference (preference order 206, col. 8, lines 31-40, Fig. 5) and the corporation's preference (i.e. type of routing scheduling 304, e.g. once day a week, daily, weekdays, weekend, holidays, and special dates, and time range, preferred delivery mode, alternative delivery modes, delivery parameter, e.g. log-on required for delivery, number of delivery retries, telephone number, addressing info, Fig. 6, col. 9, line 29 to col. 10, line 8);

(b) a database containing the recipient's scheduled location (i.e. recipient profile, Fig. 5, col. 8, lines 9-39), the entities delivery preference (preference order 206, col. 8, lines 31-40, Fig. 5) and the corporation's preference (i.e. type of routing scheduling 304, e.g. once day a week,

daily, weekdays, weekend, holidays, and special dates, and time range, preferred delivery mode,

alternative delivery modes, delivery parameter, e.g. log-on required for delivery, number of

delivery retries, telephone number, addressing info, Fig. 6, col. 9, line 29 to col. 10, line 8);

(c) a component for providing access to the database of (b) (i.e. a process for entering

user's travel information which includes addressing information, the preferred mode of delivery,

alternative mode of delivery, date and time information such as departure and return dates...may

be performed manually or in an automated style using other software applications, col. 10, line

37 to col. 11, line 28, Fig. 6);

(d) a component for providing access to corporate schedule organizer (Scheduler, Fig. 7,

col. 10, lines 8-36);

(e) a corporate schedule organizer (Scheduler, Fig. 7, col. 10, line 11), (col. 10, lines 8-

36);

(f) a component for updating recipient's scheduled location in corporate schedule

organizer (i.e. a hotel computer communicated with the network office applicant or database

thereof to indicate that the user has checked into the hotel, col. 14, lines 11-13, Fig. 7);

(g) a component for monitoring corporate schedule organizer for location change in the

recipient's schedule (i.e. to keep track of the location of a person, col. 15, line 11);

(h) a component for allowing access to updated schedules to facilitate delivery of

message to recipient at updated scheduled location (i.e. communication intended for the recipient

should now be transmitted to the hotel, col. 14, lines 13-15, i.e. upon reaching the destination

such as at a specific time and date or alternatively upon checking in by user, delivery may be

instigated, the information which has been entered is stored so that the profile of the user is

updated, col. 10, lines 50-58).

As per claim 10, Balma teaches a computer based system for locating a recipient of a

message in a corporation using a computerized system comprising:

(a) a component for compiling a database of a recipient's scheduled location (i.e. recipient

profile, Fig. 5, col. 8, lines 9-39), the recipient's delivery preference (preference order 206, col. 8,

lines 31-40, Fig. 5) and the corporation's preference (i.e. type of routing scheduling 304, e.g.

once day a week, daily, weekdays, weekend, holidays, and special dates, and time range,

preferred delivery mode, alternative delivery modes, delivery parameter, e.g. log-on required for

delivery, number of delivery retries, telephone number, addressing info, Fig. 6, col. 9, line 29 to

col. 10, line 8);

(b) a database containing the recipient's scheduled location (i.e. recipient profile, Fig. 5,

col. 8, lines 9-39), the entities delivery preference (preference order 206, col. 8, lines 31-40, Fig.

5) and the corporation's preference (i.e. type of routing scheduling 304, e.g. once day a week,

daily, weekdays, weekend, holidays, and special dates, and time range, preferred delivery mode,

alternative delivery modes, delivery parameter, e.g. log-on required for delivery, number of

delivery retries, telephone number, addressing info, Fig. 6, col. 9, line 29 to col. 10, line 8);

(c) providing access to recipient's location and delivery preference database of (b) (i.e.

steps 420, 430, 452, Figs. 9-11, col. 10, line 37 to col. 11, line 28);

(d) a component updating the recipient's scheduled location and/or delivery preference

(i.e. update user profile, steps 424, 434, 456, Figs 9-11, col. 10, line 37 to col. 11, line 28);

(e) a component for setting hierarchy of conflicting corporate and recipient preference (Fig. 6, col. 9, lines 54-56);

(f) a component for allowing access to updated schedules and delivery preferences to facilitate delivery of message to recipient at updated scheduled location (i.e. communication intended for the recipient should now be transmitted to the hotel, col. 14, lines 13-15, i.e. upon reaching the destination such as at a specific time and date or alternatively upon checking in by user, delivery may be instigated, the information which has been entered is stored so that the profile of the user is updated, col. 10, lines 50-58).

As to claims 2, 6, Balma teaches the recipient update's the recipient's scheduled location and/or delivery preference in step (c) (see Fig. 6, step 308).

As per claim 3, Balma teaches the access in step (b) is via a computer based network (col. 3, lines 43-64, col. 4, lines 6-36, Fig. 1).

As per claim 4, Balma teaches the access in step (b) is via the Telephone (col. 6, lines 6-26, Fig. 2).

(11)   Response to Argument

A. Balma not only discloses user defined delivery preferences, but also does disclose the "Corporate Preference" feature.

Appellant argues that only user defined delivery preferences are taught, there are no teachings for providing a "corporate delivery preference". The examiner respectfully disagrees with appellant's interpretation of the reference.

First, it is noted that appellant has never clearly defined what "corporate preference" means either in the claims or in the specification but just refers to it as "the corporate preference and business rules data 12" (Specification, page 9, line 22), therefore, it would not be proper for the examiner to give words of the claim special meaning when no such special meaning has been defined by the applicant in the written description. Second, according to appellant's specification, these business rules/preferences may include whether fax transmissions may be made after business hours, or whether certain level employees may authorize express mail transactions (Specification, page 8, lines 21-23). Similarly, as seen in Fig. 6, Balma discloses the "Corporation Preference" providing business rules/preferences, which are utilized to control the forwarding of communications to the recipient. The scheduling which may be selected includes, for example, scheduling communication forwarding which is to occur on a daily basis, scheduling which is for forwarding of communications each weekday, scheduling for holidays, and scheduling for a specific day such as a birthday, vacation, a date during which the person is at a conference, or for any other specific event (see step 304, Fig. 6, col. 9, lines 38-46). Not only that, the various parameters of the communication forwarding are entered including the time range for forwarding the communication, the preferred delivery mode (e.g., facsimile), the alternative delivery mode(s) (e.g., use electronic mail if a facsimile delivery is not successful), and any other delivery parameters including whether a log on or other check in is required in order to instigate delivery of a communication, the number of times a communication is to be

retried before using an alternative mode of communication, addressing information such as a

telephone number, or any other parameters used to schedule or route or control the routing or

forwarding of the communication (see step 306, Fig. 6, col. 9, lines 47-58).

In addition, the Balma system discloses a system administrator may defined corporate

rules for forwarding messages as to allow automatic selection of the mode of communication to

be used to deliver a message (col. 4, lines 40-42), to automatically and properly forward

'communications in an appropriate format, even if not entered by the recipient (col. 4, lines 49-

51). These features can be equates to corporate rules may override all corporate user's

"recipient's delivery preference".

Thus, contrary to appellant's argument, it is evident that Balma does teach "corporate

preference" as the examiner's interpretation of the claim scope is consistent with the term used.

**B. Balma disclose the "Corporate Preference" feature because Balma patent does
disclose a "corporate schedule organizer" as a Scheduler; and Balma system discloses
monitoring corporate schedule organizer for locating change in the recipient's schedule as
the programming of routing information may be performed manually or maybe obtained
automatically from other programs which store information regarding the location of a
user (see Abstract).**

Applellant alleges that Balma does not disclose a "corporate schedule organizer" and thus

nor could it disclose any reconciliation feature between a "recipient's location and delivery

preference database of (a)" and a "corporate schedule organizer". The examiner respectfully

disagrees with the preceding allegations. Balma discloses a "corporate schedule organizer" (i.e.

scheduler, Fig. 7), which contains the recipient's traveling schedule information (or schedule

location), delivery preference data (i.e. delivery option), and a field 356 is utilized to send or

forward the message only after the user logs in (col. 10, lines 22-24). Therefore, the

reconciliation between a "recipient's location and delivery preference database" and "corporation

schedule organizer" is disclosed in Balma as "a link may be established between a computer

controlled by the hotel which upon the intended recipient checking in, forwards a communication

to the network office appliance automatically indicating that the recipient has arrived at his or

her intended destination and therefore, communications are to be routed to this new location of

the recipient" (col. 14, lines 61-67), or, "the user checks into the hotel and is assigned or given a

room in step 582. In step 584, a hotel computer communicated with the network office applicant

or database thereof to indicate that the user has checked into the hotel and therefore,

communications intended for the recipient should now be transmitted to the hotel" (col. 14, lines

9-15).

Appellant contends that the Balma does not disclose monitoring corporate schedule

organizer for locating change in the recipient's schedule and updating recipient's scheduled

location according to location changes. The examiner respectfully disagrees with such

contention. In col. 15, lines 11-13, Balma disclose the ability to keep track of the location of a

person allows the system, if desired, to search for the location of the recipient in order to

properly deliver a communication; thus, it is obvious that the Balma system is able to detect if

any location changes for a user. For example, for trips during which the intended recipient is

unavailable, e.g. the recipient is on an airplane and cannot be reached, the information is not

delivered anywhere but stored in a memory of the network office appliance, upon reaching the

destination such as at specific time and date or alternatively upon checking in by the user, delivery may be instigated. In step 424, the information, which has been entered, is stored so that the profile of the user is updated (col. 10, lines 50-56). Therefore, the claimed steps of monitoring corporate schedule organizer for locating change in the recipient's schedule and updating recipient's scheduled location according to location changes read on these cited portions of Balma.

Further, in response to the appellant's contention that there is no system monitoring of any changes in a "corporate schedule organizer" and updating recipient's scheduled location according to location changes in Balma's as the user must "manually" enter any locations changes, the examiner respectfully submits that "the manual entry of information may alternatively be performed in an automated style using other software applications" (col. 10, lines 59-64). In fact, Balma discloses that "any manner of storing and updating a profile of the user based on information which has been entered may be utilized. The manner of inputting or entering the information may be through a graphical user interface, through an automatic reading of information created by a different program such as a travel program or a travel agent computer (col. 9, line 66 to col. 10, line 3); and "instead of a manual indication that the user desires communications to be forwarded to a specific location, the system may incorporate some type of automatic sensing device which determines the location of the intended recipient and automatically routes or forwards communications to the current location of the user. Alternatively, any other type of system may be utilized which keeps track of the location of an employee" (col. 14, line 64 to col. 15, line 10).

The knowledge that is within the level of one of ordinary skill is highlighted hereinabove for the Applicant's convenience. The Examiner believes that the Applicants have failed to determine the level of ordinary skill as taught by Balma.

Conclusion

The claim language as presented is still read on by the Balma reference at the cited paragraph in the claim rejections. Therefore, the Balma system cannot be distinguished from the claim invention. In light of the foregoing arguments, it is believed that the rejections should be sustained.

Respectfully submitted,

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July 10, 2005

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